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23 December 2003  
032/3289/1440

Department of Homeland Security  
Transportation Security Administration  
Docket Management System  
US Department of Transportation  
Room Plaza 401,  
400 Seventh Street SW  
Washington DC 20590-0001

Attention: Docket No TSA - 2003 - 16345 - 7

Subject: Notice Requesting Comment on the Imposition of the Aviation Security Infrastructure Fee (ASIF)

1. In consideration of the monthly payment of a Fee (based on year 2000 security screening expenses) for security screening expenses, TSA performs CTX machine screening of property and gate screening of persons and hand luggage for all airlines other than EL AL. For EL AL, the TSA performs gate screening of persons and hand luggage only and EL AL itself bears the additional expense of the CTX machine screening and the maintenance of the CTX machine.

Since the screening services provided by the TSA to EL AL is limited to the gate screening services, EL AL approached the TSA with the request that it would be fair and reasonable that the fee payable by EL AL to the TSA should be prorated to cover the screening services (persons and hand luggage) actually provided by the TSA to EL AL.

EL AL was surprised to receive the reply from the TSA that, although the TSA is aware that some air carriers feel an inequity in the current ASIF structure, the Aviation and Transportation Security Act (ATSA) fee structure does not distinguish between the fee and the specific level of services and timing provided to each carrier. Thus TSA charges EL AL for property (CTX) screening services which the TSA in fact does not provide to EL AL.

EL AL requests that the Aviation Security Infrastructure Fee be changed to allow the TSA to impose fees based on screening services actually provided, and to the extent such services are provided. This is equitable, fair and reasonable. An air carrier should not have to pay for services which are not being provided.

2. EL AL brings to the TSA's attention that the basis for the fee assessment are the costs incurred by air carriers for screening passengers and property in calendar year 2000. EL AL was one of the few (if not the only) air carrier to provide a



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high level security screening of passengers and property in calendar year 2000. As such, EL AL feels it is discriminated against and, in a sense, being "punished" only because it provided an adequate security screening of passengers and property in 2000. EL AL places on record that in its dealings with the TSA, the officials it was in contact with displayed sensitivity to and understanding of EL AL's dilemma.

Nevertheless, the basis of the charge needs to be changed from the current arbitrary, wholly artificial and almost irrelevant formula.

A formula based on "use of services" whether for property or for persons and hand luggage appears to be most apposite in the circumstances. For baggage, the formula could be based on the pieces of baggage passing through a machine or some other quantifiable element to measure the "use" of the machine. For persons and hand luggage, EL AL submits that the number of passengers screened would appear to be equitable and logical as a basis for establishing cost. In this regard, EL AL suggests that a "50-50" split apportioning 50% of the charges to property screening and 50% to persons and hand luggage screening may be found to be appropriate.

Since the gate screening of passengers and the screening of hand luggage is personal, and the cost of the ticket, or the destination of the flight or identity of the the carrier is irrelevant in the screening process, passenger emplanements is the most sensible measurement of the charge to be imposed for the security screening of passengers. Emplanements most sensibly correlates the demand/use of the screening services with the supply/cost of the screening services. This method has, for the TSA, the additional advantage of providing a "real-time" indication of increased travel - requiring the TSA to engage additional screeners and allowing the TSA to obtain prompt reimbursement for having incurred these costs. This formula would have the advantage of meeting other TSA concerns such as carriers exiting or entering markets. A "head count" facilitates the assessment of a carrier's liability for charges between any two random moments of time.

As a measurement of present needs and future requirements, as a determination of a particular carrier's increased or reduced use of screening services, as an assessment of charges to be paid by carriers entering a market post 2000 and as an indicator for purpose of reimbursement of costs to satisfy additional "market demand" for screening services, a formula based on year 2000 screening costs is simply irrelevant, inequitable and in fact useless.

Best regards,

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